

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

WOLF CARBON SOLUTIONS US LLC)	
)	
APPLICATION PURSUANT TO THE)	
CARBON DIOXIDE TRANSPORTATION)	
AND SEQUESTRATION ACT (220 ILCS 75/1)	
et seq.) FOR A CERTIFICATE OF)	Docket No. 23-0475
AUTHORITY TO CONSTRUCT AND)	
OPERATE A CARBON DIOXIDE PIPELINE)	
AND WHEN NECESSARY TO TAKE)	
INTERESTS IN PROPERTY AS PROVIDED)	
BY THE LAW OF EMINENT DOMAIN)	

MOTION TO WITHDRAW APPLICATION WITHOUT PREJUDICE

Wolf Carbon Solutions US LLC (“WCSUS”) hereby requests leave to withdraw its application for a Certificate of Authority pursuant to the Carbon Dioxide Transportation and Sequestration Act (“CO2 Act”) (220 ILCS 75/1 et seq.) filed in this Docket on June 16, 2023 without prejudice and to conclude the proceedings in this Docket. Additionally, WCSUS requests that that Administrative Law Judges (“ALJs”) immediately suspend the procedural schedule and all filing dates in this Docket until this motion can be presented to and ruled on by the Commission.

1. On June 16, 2023, WCSUS filed with the Illinois Commerce Commission (“Commission”) an Application for a Certificate of Authority to construct and operate an interstate carbon dioxide transportation pipeline in Illinois pursuant to the Carbon Dioxide Transportation and Sequestration Act, 220 ILCS 75/1 et seq. The Application was docketed by the Commission as Docket 23-0475.

2. During the course of these proceedings, several parties have moved to dismiss WCSUS’s application on the basis that WCSUS’s identification of the “notification corridor” of parcels within one-half mile on either side of the proposed centerline is improper. Additionally, Commission staff’s testimony criticized, among other things, WCSUS’s lack of “agreement” with

a source that will result in the reduction of carbon dioxide emissions from the source, as required by 220 ILCS 75/20.

3. WCSUS believes that its current Application is sufficient and has objected to the parties' motions to dismiss. However, WCSUS also believes that through a new application, it can address and moot many, if not all, of the concerns expressed. Accordingly, WCSUS requests leave to voluntarily withdraw its Application, without prejudice and with leave to file a new application, and requests an order from the Commission granting leave to voluntarily withdraw its application without prejudice, and concluding this Docket.

4. WCSUS intends to file a new application for a Certificate of Authority to construct and operate a carbon dioxide transportation pipeline pursuant to 220 ILCS 75/1 et seq. soon.

5. To preserve judicial and party resources, WCSUS further requests that the ALJs in this Docket suspend the current procedural schedule and filing dates in this Docket until such time as this Motion can be presented to and ruled on by the Commission.

WHEREFORE, WCSUS respectfully requests the Commission enter an order dismissing this proceeding without prejudice.

Respectfully Submitted,

/s/David Streicker

David Streicker, #6270683

Benjamin Jacobi, #6296811

Polsinelli PC

150 North Riverside Plaza

Suite 3000

Chicago, IL 60606

(312) 873-2941 (DS)

(312) 463-6344 (BJ)

dstreicker@Polsinelli.com

bjacobi@Polsinelli.com

Attorneys for Wolf Carbon Solutions US LLC

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

WOLF CARBON SOLUTIONS US LLC)	
)	
APPLICATION PURSUANT TO THE)	
CARBON DIOXIDE TRANSPORTATION)	
AND SEQUESTRATION ACT (220 ILCS 75/1)	
et seq.) FOR A CERTIFICATE OF)	Docket No. 23-0475
AUTHORITY TO CONSTRUCT AND)	
OPERATE A CARBON DIOXIDE PIPELINE)	
AND WHEN NECESSARY TO TAKE)	
INTERESTS IN PROPERTY AS PROVIDED)	
BY THE LAW OF EMINENT DOMAIN)	

Certificate of Service

The undersigned certifies that he caused to be served upon all parties on the SERVICE LIST copies of the following on November 20, 2023: Response in Opposition to Motion to Dismiss.

/s/David Streicker
David Streicker
Benjamin Jacobi
Polsinelli PC
150 North Riverside Plaza
Suite 3000
Chicago, IL 60606
(312) 873-2941 (DS)
(312) 463-6344 (BJ)
dstreicker@Polsinelli.com
bjacobi@Polsinelli.com

SERVICE LIST

Administrative Law Judges

Leslie D Haynes
Administrative Law Judge
Illinois Commerce Commission
160 N. LaSalle St., Ste. C-800
Chicago, IL 60601
leslie.haynes@illinois.gov

Nicole Roth
Administrative Law Judge
Illinois Commerce Commission
527 E. Capitol Ave.
Springfield, IL 62701
nicole.roth2@illinois.gov

Illinois Commerce Commission Staff Counsel

Ashley A Bukowski
Office of General Counsel
Illinois Commerce Commission
527 E. Capitol Ave.
Springfield, IL 62701
ashley.bukowski@illinois.gov

Andrea Jakubas
Office of General Counsel
Illinois Commerce Commission
160 N. LaSalle, Ste. C-800
Chicago, IL 60601
andrea.jakubas@illinois.gov

Bridget A Sheehan
Office of General Counsel
Illinois Commerce Commission
160 N. LaSalle St., Ste. C-800
Chicago, IL 60601
bridget.sheehan@illinois.gov

Monica Singh
Office of General Counsel
Illinois Commerce Commission
160 N. LaSalle St., Ste. C800
Chicago, IL 60601
monica.singh@illinois.gov

Brett Seagle
Case Manager
Illinois Commerce Commission
527 E. Capitol Ave.
Springfield, IL 62701
Brett.seagle@illinois.gov

Prabesh Bista (for data requests)
Case Staff
Illinois Commerce Commission
527 E. Capitol Ave.
Springfield, IL 62701
Prabesh.bista@illinois.com

Attorneys for CAPP

Joseph D. Murphy (Form 1 received)
Lauren B. McQueen (Form 1 received)
MEYER CAPEL
306 West Church Street
Champaign, Illinois 61826-6750
jmurphy@meyercafel.com
lmqueen@meyercafel.com

Attorneys for Miller

Kenneth M. Florey
Logan Sweeney
M. Neal Smith
Robbins Schwartz
55 West Monroe Street
Suite 800
Chicago, Illinois 60603
kflorey@robbins-schwartz.com
lsweeney@robbins-schwartz.com
nsmith@robbins-schwartz.com

Attorneys for IAA

Laura A. Harmon (Form 1 received)
Garrett W. Thalgott (Form 1 received)
Office of the General Counsel
Illinois Agricultural Association & Affiliated Companies
1701 Towanda Ave., PO Box 2901
Bloomington, IL 61702-2901
lharmon@ifab.org
gthalgott@ifab.org

Attorneys for City of Peoria

Chrissie L. Kapustka (Form 1 received)
Deputy Corporation Counsel
City of Peoria
419 Fulton Street, Room 403
Peoria, Illinois 16102
ckapustka@peoriagov.org

Commonwealth Edison Company

Richard Bernet (Form 1 received)
Emma D. Salustro (Form 1 received)
Michelle McCarty (Form 1 received)
Paralegal
10 S. Dearborn St., 52nd Fl.
Chicago, IL 60603
Richard.bernet@exeloncorp.com
Emma.salustro@comed.com
Michelle.mccarty@comed.com

Christine Baranowski Ouska (Form 1 received)
Senior Legal Analyst
Exelon Business Services Company
Three Lincoln Centre, 04-SE-042
OakBrook Terrace, IL 60181
christine.ouska@exeloncorp.com

Attorney for Tazewell County

Michael P. Holly
Tazewell County State's Attorney Office
342 Court St.
Pekin, IL 61554
mholly@tazewell-il.gov

Attorney for Peoria County**Attorney for Phoenix Township**

Charles Y. Davis (Form 1 received)
Daniel L. Hamilton (Form 1 received)
Lucas J. Hall (Form 1 received)
205 South Fifth Street, Suite 1000
P.O. Box 2459
Springfield, IL 62705
cdavis@bhslaw.com
dhamilton@bhslaw.com
lhall@bhslaw.com

**Attorney for the Board of Education of
Rankin Elementary School District No. 98**

Jeffrey J. Gaster
Miller, Hall & Triggs, LLC
416 Main St., Suite 1125
Peoria, IL 61602
Email: jeffrey.gaster@mhtlaw.com

Attorney for Christine and Thomas Kost

Jonathan LA Phillips (Form 1 received)
Phillips & Bathke, P.C.
4541 North Prospect Road
Suite 300A
Peoria Heights, IL 61616
jlap@pb-iplaw.com

Attorney for Rock Island County

Jacob Mellinger (Form 1 received)
Patricia Castro
Austin Carlson
Rock Island County State's Attorney
1317 3rd Avenue, 2nd Floor
Rock Island, Illinois 61201
mellingerj@rockislandcountyil.gov
castrop@rockislandcountyil.gov
carlsona@rockislandcountyil.gov

Stark County

Caroline Borden Campion
Stark County State's Attorney
130 W. Main Street
PO Box 476
Toulon, Illinois 61483
statesatty@starkco.illinois.gov